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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,875	06/30/2000	Stephen J. Tolopka	042390.P6656	9982

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Blakely Sokoloff Taylor & Zafman LLP  
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Los Angeles, CA 90025

EXAMINER
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NGUYEN BA, HOANG VU A

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/607,875

**Applicant(s)**

TOLOPKA, STEPHEN J.

**Examiner**

Hoang-Vu A Nguyen-Ba

**Art Unit**

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' amendment filed on November 22, 2004 has been entered.
2. Claims 1-3, 5-9, 11-16 and 18-20 are pending.

### *Response to Amendments*

3. Per Applicants' request, claims 4, 10 and 17 have been canceled and claims 1, 7 and 14 have been amended.

### *Response to Argument(s)*

4. Applicant's arguments with respect to claims 1-3, 5-9, 11-16 and 18-20 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 5, 7-9, 11, 13-16, 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,459,867 to Adams et al. ("Adams").

**Claims 1, 7 and 14**

Adams discloses at least:

*identifying a device by a unique identifier* (see at least Figure 2, items 37-41 and related discussion in the specification);

*obtaining the unique identifier* (see at least Figure 1, item 21 and related discussion in the specification); *and*

*using the unique identifier in conjunction with a mapping table, wherein the mapping table contains at least a column containing a plurality of unique identifiers of devices coupled to a column containing a plurality of updatable addresses of drivers specific to each device, to obtain an address of a driver for the device, and one or more columns that include additional information about one or more of the device and device driver* (see at least Figure 1, item 4; section D in the specification).

**Claims 2, 8 and 15**

Adams further discloses that *wherein program instructions obtain the unique identifier* (see at least Figure 1, item 21 and related discussion in the specification).

**Claims 3, 9 and 16**

Adams further discloses *wherein the driver is obtained from a storage device* (see at least Figure 1, item 10 and related discussion in the specification).

**Claims 5, 11 and 18**

Adams further discloses *wherein the mapping table address is obtained from the device* (see at least 21:24 – 22:16).

### Claims 13 and 20

Adams further discloses that the *unique identifier is represented by one of a manufacturer, a device class, a model number and a subnumber* (see at least 10:59 – 11:6).

### Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6, 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,459,867 to Adams et al. (“Adams”) in view of Internet Engineering Task Force (“Task Force”), Simple Service Discovery Protocol/1.0, Operating without an Arbiter, October 29, 1999.

### Claims 6, 12 and 19

Adams does not specifically disclose *wherein the mapping table address is obtained by using a service discovery protocol*. However, Task Force discloses a mechanism to allow HTTP clients and Http resources to discover each other in local area network (see at least 2.1 Problem Statement) so that any clients who come on-line after the service came on-line will discover the desired service by sending out a discovery request, thereby making the mechanism more efficient (see at least 2.3.1.3).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the Simple Service Discovery Protocol in

combination with Adams because the feature would make Adams's concurrent maintenance operations more efficient.

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on Tuesday-Friday, 6:45 to 16:45.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam can be reached at (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 **ANTONY NGUYEN-BA**  
**PRIMARY EXAMINER**

Art Unit 2122

January 26, 2005